

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Prior Application No: 09/255,499

Examiner: J. Goldberg

Art Unit: 1614

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**REQUEST FORM FOR CONTINUING PROSECUTION
APPLICATION UNDER 37 C.F.R. § 1.53(d)**

Box CPA
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(d) (Continuing Prosecution Application) of prior Application No. 09/255,499, filed on January 6, 1999, for 5-ANDROSTENE-3 β , 17 α -DIOL AS AN INHIBITOR OF TUMOR GROWTH by the following named inventor(s):

- (a) Full Name Roger LORIA
- (b) Full Name _____
- (c) Full Name _____

This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. 1.53(d)(4), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application:

- (a) Full Name _____
- (b) Full Name _____
- (c) Full Name _____

The above-identified prior application is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the

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drawings, as the basic papers for the new application. (Note: 37 C.F.R. § 1.53(b) must be used for applications where the prior application is not to be abandoned.)

It is understood that secrecy under 35 U.S.C. § 122 is hereby waived to the extent that if information or access is available to any one of the applications in the file wrapper of a 37 C.F.R. § 1.53(d) application, be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all other applications in the same file wrapper.

- ☐ Applicant(s) hereby request(s) that the above-captioned application **NOT BE PUBLISHED** under 35 U.S.C. § 122(b) and 37 C.F.R. § 1.211. The undersigned hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication at eighteen months after filing.
- ☐ Applicant(s) suggest(s) Figure _ for inclusion on the front page of the patent application publication and patent.
1. ☐ Enter the amendment previously filed on __ under 37 C.F.R. § 1.116, but unentered, in the prior application.
 2. ☐ The election made previously in the prior application does not carry over to this application.
 3. ☒ A preliminary amendment is enclosed.
 4. ☒ Small entity status is hereby claimed.
 5. ☒ The filing fee is calculated below on the basis of the claims existing in the prior application as amended at 1 and 3 above:


C L A I M S					
	NO. OF CLAIMS		EXTRA CLAIMS	RATE	FEE
Basic Application Fee					\$710.00 (101)
Total Claims	6	MINUS 20 =		× \$18.00 (103) =	
Independent Claims	2	MINUS 3 =		× \$80.00 (102) =	
If multiple dependent claims are presented, add \$270.00 (104)					
Total Application Fee					710.00
If small entity status is claimed, subtract 50% of Total Application Fee					355.00
TOTAL APPLICATION FEE DUE					\$355.00

6. ☐ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
7. ☒ A check in the amount of \$ 355.00 is enclosed for the fee due.

8. ☐ Charge \$ _____ to Deposit Account No. 02-4800 for the fee due.
9. ☒ The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
10. ☐ Priority of Application No. __, filed on __, in __ (country) is claimed under 35 U.S.C. § 119.
- ☐ The certified copy of the priority application
- ☐ is enclosed
- ☐ was filed on __ in prior Application No. __, filed on __, and acknowledged by the Examiner on __ in Paper No. __
- ☐ has not yet been filed.
11. ☒ Also enclosed an Information Disclosure Statement.
12. ☒ The power of attorney in the prior application is to Brian P. O'Shaughnessy, Reg. No. 32,747.
- a. ☐ The power appears in the original papers in the prior application.
- b. ☒ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- c. ☒ Recognize as Associate Attorney or Agent Malcolm K. McGowan, Ph.D., Reg. No. 39,300.
- d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)

Brian P. O'Shaughnessy, Esq.
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

Date: January 24, 2001

By: 
Malcolm K. McGowan, Ph.D.
Registration No. 39,300

ADDRESS OF SIGNATOR:

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- ☐ inventor(s)
☐ assignee of complete interest
☐ attorney or agent of record
☒ filed under 37 C.F.R. § 1.34(a)